

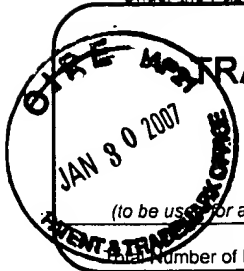
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PTO/SB/21 (09-06)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/414,384
Filing Date	October 7, 1999
First Named Inventor	Andrew CLARK
Art Unit	3743
Examiner Name	Aaron J. LEWIS
Attorney Docket Number	0037.00

Number of Pages in This Submission

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08 A & B; 12 Cited References; and Return Receipt Postcard
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NEKTAR THERAPEUTICS		
Signature			
Printed name	Guy V. Tucker		
Date	23 JAN 2007	Reg. No.	45,302

## CERTIFICATE OF TRANSMISSION/MAILING

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This collection of information is required by 37 CFR 1.5. The information is required to obtain, or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Andrew CLARK et al. )

Atty. Docket No.: 0037.00 )

Examiner: Aaron J. LEWIS )

Application No.: 09/414,384 )

Group Art Unit: 3743 )

Filed: October 7, 1999 )

Title: FLOW RESISTANCE MODULATED )  
AEROSOLIZED ACTIVE AGENT )  
DELIVERY )

CERTIFICATE OF MAILING

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Signed: 

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The references listed in the attached Forms PTO/SB/08A and B may be material to examination of the above-identified patent application. Applicants submit these references in response to the Examiner's request for legible copies of each cited foreign reference as indicated in the Office Action mailed on September 11, 2006.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

This Information Disclosure Statement is being timely filed under 37 CFR §1.97 and is being filed:

Attorney Docket No. 0037.00

- ☐ within three months of the filing date of a national application or an RCE; within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or before the mailing date of a first Office action on the merits (whichever event occurs last);
- ☐ more than three months from the filing date of an application and after the mailing date of a first Office action on the merits, but before the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311 (whichever occurs first), and is accompanied by:
- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00); or
  - ☐ one of the following statements as specified in 37 CFR 1.97(e) that:
    - ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
    - ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement; or
- ☐ after the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311, but on or before the payment of the issue fee, and is accompanied by each of:
- ☐ the following petition:

Applicant hereby requests consideration of the accompanying information disclosure statement;
  - ☐ the petition fee set forth in 37 CFR 1.17(i) (\$130.00); and
  - ☐ one of the following statements as specified in 37 CFR 1.97(e) that:
    - ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement.

☐ Each item of information contained within this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement. Accordingly, this Information Disclosure Statement does not constitute a failure on the part of the Applicant to engage in reasonable efforts to conclude prosecution of the application as set forth in 37 CFR 1.704 "Reduction of period of adjustment of patent term."

☐ Attached is Check No. \_ in the amount of \$0.

☐ Please charge the amount of \$\_\_\_ to Deposit Account 500348

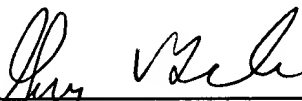
☒ If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500348.

Respectfully submitted,

NEKTAR THERAPEUTICS

Dated: 23 JAN 2007

By:

  
\_\_\_\_\_  
Guy V. Tucker  
Reg. No. 45,302

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<b>Form PTO/SB/08A (Modified)</b>  <b>Information Disclosure Statement By Applicant</b>  (Use Several Sheets if Necessary)	<b>Atty Docket No.:</b> 0037.00	<b>Application No.:</b> 09/414,384
	<b>Applicant:</b> Andrew CLARK, et al.	
	<b>Filing Date:</b> 10/07/1999	<b>Group:</b> 3743

**U.S. Patent Documents**

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub- Class	Filing Date
	A	2,587,215	02/26/1952	Priestly			
	B	3,837,341	09/24/1974	Bell			
	C	4,274,404	06/23/1981	Molzan et al.			
	D	4,442,856	04/17/1984	Betz			
	E	4,533,137	08/06/1985	Sonne			
	F	5,040,527	08/20/1991	Larson et al.			
	G	5,042,467	08/27/1991	Foley			
	H	5,301,666	04/12/1994	Lerk et al.			
	I	5,408,994	04/25/1995	Wass et al.			
	J	5,522,380	06/04/1996	Dwork			
	K	5,586,550	12/24/1996	Ivri et al.			
	L	5,823,183	10/20/1998	Casper et al.			
	M	5,855,202	01/05/1999	Andrade			
	N	5,884,620	03/23/1999	Gonda et al.			
	O	5,941,240	08/24/1999	Gonda et al.			
	P	6,029,663	02/29/2000	Eisele et al.			
	Q	6,076,523	06/20/2000	Jones et al.			
	R	6,095,134	08/01/2000	Sievers et al.			
	S	6,116,238	09/12/2000	Jackson et al.			
	T	6,138,673	10/31/2000	Shepherd			
	U	6,142,146	11/07/2000	Abrams et al.			

<b>Examiner:</b>	<b>Date Considered:</b>
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Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>Form PTO/SB/08B (Modified)</b>  <b>Information Disclosure Statement By Applicant</b>  <i>(Use Several Sheets if Necessary)</i>	<b>Atty Docket No.:</b> 0037.00	<b>Application No.:</b> 09/414,384
	<b>Applicant:</b> Andrew CLARK, et al.	
	<b>Filing Date:</b> 10/07/1999	<b>Group:</b> 3743

**Other Documents**

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
	AA	BARROWCLIFFE et al., "The In-Vitro Evaluation of a Novel Multi-Dose Dry Powder", The Aerosol Society, 1996; pp. 82-85.
	BB	CHRYSTYN, "The Diskus Inhaler, A Review of its Pharmaceutical and Clinical Performance", Clinical Drug Investigations, 1999; pp. 287-296, Vol. 18, No. 4.
	CC	CONWAY et al., "Comparison of Peak Pressure Drops Through Powder Inhalers During Inspiration at Maximum Flow Rate", 1996; pp. 153, A59.
	DD	MALTON et al., "A Comparison of In-Vitro Drug Delivery from Salbutamol Diskus and Terbutaline Turbohaler Inhalers", J. Pharm, Med., 1996; pp. 35-48, Vol. 6.
	EE	MALTON et al., "A Comparison of In-Vitro Drug Delivery from Two Multidose Powder Inhalation Devices", Euro. J. Clinical Research, 1995; pp. 177-193, Vol. 7.
	FF	NEWHOUSE et al., "Clickhaler (a novel Dry Powder Inhaler) Provides Similar Bronchodilation to Pressurized Metered-Dose Inhaler, Even at Low Flow Rates", Clinical Investigations, 199p; pp. 952-956.
	GG	PRIME et al., "The Flixotide Diskus, a New Multi Dose Powder Inhaler – In-Vitro Evaluation Using an Inhalation Simulator", J. Aerosol Med., 1995; pp. P137.

<b>Examiner:</b>	<b>Date Considered:</b>
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Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.